

3.9 PUBLIC SERVICES

Significance Criteria

Project impacts to public services including utilities and public health and safety are considered significant under 40 CFR 1508.27 if the project alternatives create a cumulative demand that exceeds service capacities, or adversely affect public health or safety (40 CFR 1508.27(b)(2)). Most public services to the Kenosha project site are administered by the City of Kenosha. The City has jurisdiction under 40 CFR 1508.15 and special expertise under 40 CFR 1508.26 regarding the determination of the significance of impacts to public services. Thus, the BIA has relied upon the City as a cooperating agency to help determine the significance of impacts to public services from the Kenosha project alternatives.

Significance for impacts of project alternatives to local solid waste service is determined in terms of exceedance of capacities for the local solid waste management infrastructure, including landfill capacity and transportation and hauling.

The City of Kenosha has jurisdiction and special expertise for public health and safety services. The criteria for determining significance of impacts are whether a given alternative would exceed capacity to provide the service, and how the cost for expanded service would be funded.

For the Keshena site, the BIA relied upon the Tribe to help determine the significance of impacts of the Keshena Alternative on Tribal public services. Significance criteria for determining impacts to water supply for the Keshena Site is determined in part by whether increased demand would exceed aquifer capacity.

3.9.1 KENOSHA PROJECT SITE

WATER SUPPLY

Water service is provided to the project site by the Kenosha Water Utility (KWU). The KWU is a public utility organized and governed by Wisconsin statute §66.068 and Chapter XXXII of the Kenosha City General Ordinances. It is governed by the Board of Water Commissioners who appoints a General Manager (Kenosha Water Utility, 2005).

The Kenosha Water Utility services an area of approximately 100 square miles including the City of Kenosha, Village of Pleasant Prairie, Town of Somers, and Town of Bristol. Operation is funded through water and sewer service charges. A service center, water production plant, and wastewater treatment plant are located in Kenosha. The water production plant serves as the water treatment plant and main pumping station; it is located at Simmons Island in Kenosha. The primary source of water is Lake Michigan. After filtration, water is transferred to a high-pressure pump station with six vertical turbine pumps with a capacity of 48 million gallons per day (MGD) (Kenosha Water Utility, 2005).

According to billing records gathered for billing cycles between September of 2002 and October of 2003, DGP used approximately 8.9 million gallons of water during the billing year. (Kelly, pers. comm., 2004). The existing average daily flow to the DGP is 24,000 gallons per day (gpd) with an estimated peak flow of 167 gallons per minute (gpm). Water is supplied by two water mains on the property which are public water mains except for the water laterals connected to existing buildings. A 12-inch diameter water main connects to the City of Kenosha's water supply through a 16-inch main on 104th Ave. Another 12-inch main from the site connects to a 24-inch main on 60th St. **Figure 3.9-1** shows the existing water supply lines at the project site. The capacity of the water supply system was analyzed using a velocity of 5 feet per second. For the 24-inch main the capacity is 10 MGD or 7000-gpm. For the 16-inch main the capacity is 3.2 MGD, or 2200-gpm (Graef, Analt, Schloemer & Associates, 2004).

While not part of the existing environment, the City of Kenosha plans to upgrade its system to accommodate planned growth and development by adding a 1 million gallon elevated tank, near Interstate 94 between 60th St. and 75th St., with a 24-inch water main to connect to existing lines. The City also plans to build a 4 million gallon at-grade reservoir with booster station near the intersection of 56th Place and 88th Ave. These improvements, when constructed, will provide higher pressures and a more reliable flow to the DGP (Graef, Analt, Schloemer & Associates, 2004).

WASTEWATER SERVICE

Wastewater generated by DGP is collected and treated by the KWU. The Wastewater Treatment Plant in Kenosha, located in Southport Park in Kenosha, discharges treated wastewater into Lake Michigan and disposes of solids at a landfill (Kenosha Water Utility, 2005). The Wastewater Treatment Plant treats an average of 21.8 MGD operating under the total capacity of 68 MGD (Gloss, pers. comm., 2005).

The DGP maintains a private wastewater lift station with an average daily flow of 24,000 gpd (50-gpm) and an estimated daily peak flow of 80,000 gpd (167-gpm) based on records from October 2002 to October 2003 (Graef, Anhalt, Schloemer & Associates, 2004). The pumps at the lift station are designed for 500-gpm which sufficiently handles the average and peak flows. Wastewater is transported through an 8-inch gravity sewer to a 6-inch force main at the lift station; from here the wastewater enters a 10-inch gravity sewer at the corner of 52nd and 104th Avenue. The capacity of the 6-inch force main is .58 MGD (400-gpm) and the 10-inch gravity sewer has a capacity of 1.1 MGD (770-gpm). At 52nd and 86th Ave. this becomes a 24-inch gravity sewer which also serves residential and industrial areas; it has an estimated remaining capacity of 3000-gpm or 50%, with a total capacity of 8.65 MGD (6000-gpm) (Graef, Anhalt, Schloemer & Associates, 2004). **Figure 3.9-1** shows the existing wastewater lines at the project site.

[Insert Fig 3.9-1] Existing Water and Wastewater Lines – Kenosha Project Site

SOLID WASTE SERVICE

Wisconsin State Law

The management of non-hazardous solid waste in Wisconsin is mandated by state law and guided by state statutes, the Wisconsin Administrative Code, and policies at the state and local levels. The Wisconsin Department of Natural Resources (WDNR) oversees waste management at the state level through the Waste Management Program, and has special expertise in this area under 40 CFR 1508.26. Thus the BIA relied upon WDNR to help determine the significance of impacts of project alternatives to the solid waste management infrastructure. Counties have the option of developing a waste management program. Chapter 287 of the Wisconsin state statutes asserts that whenever possible and practical the following priorities are encouraged:

- The reduction of the amount of solid waste generated;
- The reuse of solid waste;
- The recycling of solid waste;
- The composting of solid waste;
- The recovery of energy from solid waste;
- The land disposal of solid waste; and
- The burning of solid waste without energy recovery.

Recyclable materials including aluminum containers, corrugated paper, polystyrene packaging, glass, magazines, newspaper, office paper, and plastic containers are banned from disposal and incineration. This is enforced through city ordinances which mandate recycling. If residences or businesses do not separate their recyclables the trash will not be picked up by the solid waste collection service. Violators can also be ticketed and fined; in addition, the WDNR may investigate (Jasso, pers. comm., 2005).

Local Service

Waste Management, Inc. serves the Kenosha project site and hauls solid waste from the DGP to the Pheasant Run Recycling and Disposal Facility (RDF). The Pheasant Run RDF serves Kenosha, Racine, and Walworth County in Wisconsin. Additionally, the landfill serves McHenry and Lake County in Illinois. Pheasant Run RDF is located in Bristol, Wisconsin and its license expires September 30, 2005. The original capacity of the landfill was 3,470,000 cubic yards. The remaining capacity is 247,223 cubic yards (Wisconsin DNR, 2005). This landfill has five years of remaining capacity and is working on expanding its facilities by 105 acres which would add at least 15 years to the life of the landfill. Average throughput is 4,000-5,000 tons per day. There is no average limit, peak limit, or permitted limit on receiving waste. In 2004, the Pheasant Run RDF received approximately 1,189,000 tons of solid waste; in 2003, the landfill received approximately 670,000 tons (Furlong, pers. comm., 2005). The large increase in waste from 2003

to 2004 is attributed to changes in hauling companies and inter-company decisions. Pheasant Run accepts construction and demolition waste, and municipal solid waste.

Waste Management, Inc. disposes of non-medical solid waste from dogs in the kennel facilities separately from other solid waste. Current solid waste disposal and recycling rates at the DGP are presented in **Table 3.9-1**.

TABLE 3.9-1
DISPOSAL RATES FOR THE KENOSHA PROJECT SITE

Facility	Annual Disposal (yd ³)	Waste Type
Main Building	960	Trash
	132	Cardboard (Recycled)
	109	Paper (Recycled)
	66	Tin/Aluminum (Recycled)
	54	Glass (Recycled)
Dog Kennels	1484	Trash
Dog Waste	1134	Solid Waste
Total	3939	

SOURCE: Kelly, pers. comm., 2004

This rate of disposal was estimated based on actual disposal rates in calendar year 2000, which were extrapolated to a full year (Kelly, pers. comm., 2004).

ELECTRICITY, NATURAL GAS AND TELECOMMUNICATIONS

Electrical and Natural Gas Services

The Kenosha project site receives electrical and gas service from We Energies which is the trade name for Wisconsin Electric Power Co. and Wisconsin Gas LLC. We Energies supplies electricity to approximately 1.1 million customers over 18,400 square miles in Wisconsin and 5,055 square miles in Michigan. They operate 25 power plants and peak generation is approximately 6,000 megawatts. Approximately 60 percent of the energy is obtained from coal, 13.8% is purchased, and the remaining power is produced through a mixture of nuclear, other fossil fuel, natural gas, and hydroelectric facilities (We Energies, 2005). The average electricity usage for the DGP facilities is 5,345,616-kilowatt hours per year, based on an average calculated from 2002 and 2003 usage totals. In 2003, DGP used a total of 4,993,887-kilowatt hours, and in 2002 5,697,345-kilowatt hours, as extrapolated from limited available data. Electricity is metered from nine metering units in various locations throughout the facilities (Kelly, pers. comm., 2004).

Billing statements reflecting daily average natural gas usage for the DGP facilities were compiled from the 2002 and 2003 billing periods. From this data, annual and seasonal gas use averages were calculated. The annual natural gas consumption of the DGP facilities is calculated at 7,875.1 therms, based on the 2002 total of 9,746.8 therms, and the 2003 total of 6,003.4 therms.

Seasonally, the winter use average for both years combined is calculated at 1,687.52 therms, where winter is defined as the months of December, January, and February for a given calendar year. The combined average for spring (March, April and May) is 1,382.28 therms. Summer (June, July and August) gas usage for both years is 162.32 therms, and fall (September, October and November) gas usage is 199.35 therms (Kelly, pers. comm., 2004).

Telecommunications

Telephone services are provided to the DGP facility by AT&T, SBC and Avaya. AT&T provides for some local and long distance outgoing calls. All telephone numbers with the 612-prefix are served by AT&T. All telephone numbers with the 657-prefix are provided by SBC, which also provides Centrex lines for local and long-distance calling. Interior communications, including lines and equipment, are provided by Avaya (Kelly, pers. comm., 2004). High-speed Internet service is provided by Roadrunner, a subsidiary of Time Warner. Races are uplinked via satellite communications provided by Roberts Communications, broadcasting in a 6 GHz band low power 20-watt digital signal.

PUBLIC HEALTH AND SAFETY

The following discussion outlines the existing condition of law enforcement, fire protection, and emergency medical at the project site. For more information on public health and safety please see **Section 3.10.2** Hazardous Materials and **Section 3.3** Groundwater Resources.

Law Enforcement

Police protection is provided to the DGP facility by the City of Kenosha from its Police Department, located at 1000 55th Street, in the City of Kenosha, approximately seven miles from the DGP property. The Department operates with a \$20,000,000 annual budget. It has 186 sworn police officers and 12 civilians, and works cooperatively with another entity called "Joint Services." The Joint Services Organization, a combined City/County operation, provides services to the Police and County Sheriff's Department that consist of dispatch, records, fleet maintenance, evidence, and the activities of the identification bureau (Kenosha City Police, 2005).

The Kenosha City Police Department received approximately 20 calls for assistance from the DGP in 2003. **Table 3.9-2** shows a breakdown of the types of calls received. Average response time for calls to the Department is approximately 2.5 minutes (Morrissey, pers. comm., 2004). The Department maintains a variable number of officers assigned to the city's jurisdiction west of Green Bay Road, lending to this short response time average.

Fire Protection and Emergency Medical

Specific services provided by the Kenosha Fire Department include fire suppression, fire prevention, Emergency Medical Services (EMS), hazardous material cleanup and disposal and other services (Santelli, pers. comm., 2005). There are currently seven fire stations in the

TABLE 3.9-2
CALLS FOR SERVICE FROM THE KENOSHA PROJECT SITE

Type of Call Received 2003	Number of Calls 2003
Medical Assistance	2
Notification	1
Disorderly Conduct	5
Theft	2
Abandoned Calls	8
Traffic Accident	1
Vandalism	1
Total	20

SOURCE: Kenosha City Police, 2005.

Kenosha area, cross-staffed with 156 employees. “Cross-staffing” refers to staffing by personnel trained to respond to more than one type of emergency. The Kenosha Fire Department currently operates seven front-line engine companies, with two more in reserve, two front-line ladder companies, with one more in reserve, four front-line medical companies, with two more in reserve, a P-19 Airport Crash Rig, one Hazardous Materials Response tractor/trailer, and eleven staff vehicles for support, command, safety and other functions.

To address planned development in the area, an additional station (Station 8) is planned for the near future, to be located one mile west of I-94. Any current or future fire station could respond to emergencies at the DGP property, depending upon distance and availability status of nearest ladder, engine and medical companies. Primary fire department service for the project site is provided from Station 7, located approximately 1 mile east, on Highway 158.

In 2003, the Kenosha Fire Department responded to 9,612 alarms. Engine and ladder companies responded to 2,550 fire calls, and medical companies responded to 4,225 medical calls. Station 7 responded to 67 fire related calls, and 542 medical related calls. For the year 2003, the average response time for the Kenosha Fire Department was 3 minutes and 50 seconds. Medical 7 averaged 4 minutes and 47 seconds, while Engine 7 averaged 4 minutes and 55 seconds. The National Fire Protection Association (NFPA) standard is 5 minutes. The coverage area for Station 7 is wider than that of the other fire stations, lending to the larger volume of calls and the proportion of their response times compared with the department average.

Emergency medical patients are taken to Aurora Medical Center, St. Catherine’s Hospital, or Kenosha Hospital. Aurora Medical Center is approximately 1 mile away and St. Catherine’s and Kenosha Hospital are approximately six miles away. For non-life threatening incidents the decision is patient choice; for life threatening incidents patients would be taken to Aurora Medical Center.

3.9.2 KESHENA SITE

Impacts to public services under Alternative C, including utilities and public health and safety, may be significant under 40 CFR 1508.27. Determinations of significance in these areas have been made in consultation with the Menominee Indian Tribe of Wisconsin, which has jurisdiction under 40 CFR 1508.15 and special expertise under 40 CFR 1508.26.

WATER SUPPLY

The existing gaming facilities and hotel on the Menominee Reservation are serviced by the Menominee Tribal Utility Department (MTUD) which is owned by the Tribe. MTUD services the areas of Keshena, Neopit, Trailer Park, Red Wing, and Zoar. Other communities on the Menominee Reservation use non-community water systems and private wells. Tribal Ordinance No. 96-28 states that MTUD has the right to manage, operate, and maintain the utility systems on the reservation; it is governed by the Menominee Tribal Utilities Committee and the Menominee Tribal Legislature, which sets the policies and procedures and the department budget (Menominee Tribal Utilities, 2005).

There are ten groundwater wells that MTUD maintains and two groundwater wells are located in Keshena. Currently Keshena is served by one well within 100 feet of the Wolf River. The well is grouted for 67 feet and cased to 72 feet. The other groundwater well is not in use. The Tribe is considering moving the well located near the Wolf River because of floodplain concerns and adding an additional well to the system. When new wells are built, the Tribe will use the USGS Ground Water Model to find locations for new wells and furnish a Ground Water Susceptibility Analysis for the proposed wells (Menominee Indian Tribe of Wisconsin, 2004). There is one pressure zone and no booster stations on the Menominee Reservation. Pipelines throughout the system consist of 10-inch and 6-inch diameter PVC pipe. The majority of the system is 6-inch pipe. The system is expanding in the next two years to serve the college on the Menominee Reservation, where there will be a new 250,000-gallon water tower. Currently there are a 50,000-gallon and a 200,000-gallon water tower on the reservation; however, the 50,000-gallon water tower will be replaced by the new 250,000-gallon tower. The current flow capacity is 300 gpm and will increase to 450 gpm with planned upgrades (Corn, pers. comm., 2005).

Water is supplied to the Keshena site by a 6-inch diameter water main, which runs parallel to Highway 47/55. From there another 6-inch water main runs west through the Keshena site with multiple laterals coming off of the main. The water lines that run throughout the property are also 6 inches. The existing facilities at the Keshena site use an average of 10 million gallons of water per year based on 2003-2004 data. Based on this yearly usage it is estimated that the facilities at the Keshena site use approximately 28,000 gallons per day. Approximately 95% of the water demand is used at the casino, hotel, and restaurant. The remaining 5 percent is used at the bingo hall (Tucker, pers. comm., 2005).

WASTEWATER SERVICE

Wastewater service for the Keshena site is also serviced by MTUD. Wastewater from the existing facilities is treated by an oxidation ditch system and is then discharged to wetlands subject to Federal regulation under the Environmental Protection Agency. The capacity of the main treatment facility is 350,000 gpd. There is also a back-up lagoon treatment facility with the capacity to treat 100,000 gpd. The average daily flow of the systems is 125,000 gpd in the winter and 160,000 gpd in the summer.

There are 8-inch diameter sewer lines which run throughout the site and collect wastewater. A private lift station operates on the east side of the Keshena site and wastewater flows east through an 8-inch sewer off the site. This connects to an 8-inch sewer, which runs north/south and parallel to Highway 47/55. Based on water demand, wastewater flows would be less than 28,000 gallons per day due to consumption, condensation, evaporation, irrigation, and mechanical system demands (Tucker, pers. comm., 2005). There are no plans to upgrade this system in the near future (Corn, pers. comm., 2005).

SOLID WASTE SERVICE

Waste Management of Antigo collects solid waste and recycling from the existing casino and hotel on the Menominee Reservation. There is a recycling sorting and processing center in Antigo and solid waste is taken to the Menominee Landfill in Menominee, Michigan. The facilities at the Keshena site disposed of approximately 329 tons in 2004 (Tucker, pers. comm., 2005). The Menominee Landfill is also owned by Waste Management, Inc and accepts municipal solid waste, non-hazardous waste, construction and demolition debris, and asbestos containing waste. The landfill operates seven days a week and accepts wastes from Wisconsin and Michigan. The landfill accepted 301,000 tons in 2003 and 303,000 tons in 2004. The yearly expected amount of waste is between 250,000 and 300,000 tons. The landfill has approximately 23 years of remaining capacity and at that time the township will vote on whether to expand or close the landfill. The average throughput based on the yearly average is approximately 25,000 tons per month or 900 tons per day. The landfill does not have a permitted limit on the amount of waste that it can receive (Beaudo, pers. comm., 2005).

ELECTRICITY, NATURAL GAS AND TELECOMMUNICATIONS

Alliant Energy provides electricity to the existing casino and hotel facilities on the Menominee Reservation. The office in Marion services the Keshena site. In 2003, Alliant Energy supplied electricity to 965,953 customers and gas to 408,427 customers in Iowa, Wisconsin, Minnesota and Illinois. They operate 31 generating facilities throughout the Midwest and have the generation capacity of approximately 5,200 megawatts. Capacity is expected to increase by 1,600 megawatts by the year 2010. Approximately 56 percent of the energy is obtained from coal, 28 percent is purchased, and the remaining power is produced from a mixture of nuclear, fossil fuel, natural gas, and other sources (Alliant Energy, 2005). The casino owns a backup generator and

the hotel is in the process of obtaining one. Several 12.4 kilovolt lines, which run along Highway 47/55 and Duquaine Road, border and serve the site.

Information on electricity usage was obtained from 2004 billing data. In 2004, the electricity usage for the Keshena site was 4,816,319 kilowatt hours (Tucker, pers. comm., 2005). On average the Keshena site uses 401,360 kilowatt hours per month. Electricity is metered from several locations on the premises.

The Keshena site currently uses propane for heating which is delivered by Draeger Propane in Antigo, Wisconsin. Information on propane usage was obtained from delivery records. The yearly usage for 2004 was 97,259 gallons of propane. Seasonally, the winter use average for 2004 was 16,340 gallons per month, where winter is defined as the months of December, January, and February for a given calendar year. The average usage for spring (March, April and May) was 8,934 gallons per month. Summer (June, July and August) propane usage for the Keshena site was 813 gallons, and fall (September, October and November) propane usage was 6332 gallons per month (Tucker, pers. comm., 2005). Wisconsin Gas has a gas line ¼ of a mile away which could be used in the future if needed (Bertram pers. comm., 2005).

Pioneer Communications provides phone services to Keshena. The existing facilities at the Keshena site use the satellite service Dish Network TV for television service. Dish Network is owned by the public company Echostar Communications Corporation.

PUBLIC HEALTH AND SAFETY

The following discussion outlines the existing condition of law enforcement, fire protection, and emergency medical at the Keshena site. For more information on public health and safety please see **Section 3.10.2** Hazardous Materials and **Section 3.3** Groundwater Resources.

Law Enforcement

Menominee Tribal Police Department

The Menominee Tribe has its own Tribal Police Department located in Keshena, Wisconsin, approximately 2 miles from the existing Menominee Casino. The Department provides patrol, administrative, investigative, and detention services for the Reservation (MTPD, 2005).

The Menominee Tribe Police Department (MTPD) has the following divisions – Administrative, Support Staff, Investigations, Patrol, Detention, Crime Victims, Police Liaison and Juvenile Intervention services. The Department currently has two K-9 units with one unit on the day shift and one on the nightshift. The administrative and support staff work Monday through Friday from 8:00 am to 4:30 pm, while patrol and detention services are 24/7. Currently, the Department has 21 full-time patrol positions, including the two K-9 units.

The Administrative unit consists of the Chief of Police, Captain, Lieutenant, and the Master Sergeant. Normal work hours are Monday through Friday 8:00 AM to 4:30 PM. Additionally, the Captain, Lieutenant, or Master Sergeant works from 8:00 PM to 4:00 AM on Thursday, Friday, and Saturday to provide extra support to the Patrol division.

The Investigative Unit consists of three full-time Investigators. Hours of work are divided among the three Investigators to provide coverage seven days a week.

While Wisconsin is identified as a “mandatory state” under Public Law 280, Wisconsin retroceded jurisdiction over the Menominee Reservation in connection with the Menominee Restoration Act (Public Law 93-197), signed on December 22, 1973. Therefore, the MTPD maintains criminal and civil jurisdiction on the Reservation, pursuant to 25 CFR, Chapter 18 of the United States Code (USC), Chapter 40, Indian Affairs Manual (I.A.M.), and other Federal and Tribal laws.

Menominee County Sheriff's Department

The Menominee County Sheriffs Department is located in the City of Keshena, adjacent to the MTPD station. The Department is staffed by eight full-time and five part-time deputies, one K-9 unit, one Undersheriff Investigator, and the Chief of Police (Lepscier, 2005). The Department owns nine patrol cars. Patrols are staffed two per shift, 12 hour shifts, 4 days on, 4 days off. At present, the Department provides assistance to the MTPD for casino-related incidents on a daily basis. Response time is anywhere from 1 to 10 minutes depending on the location of the patrol when the call is received (Lepscier, 2005).

Fire Protection and Emergency Medical

Fire protection for the Menominee Reservation and Casino is provided by the Town of Menominee Fire Department. The Department's service area corresponds to the County/Reservation boundaries and is approximately 35 square miles. The Department has four stations; the Keshena Station is the closest to the casino at one mile (DuQuain, pers. comm., 2005).

The Keshena Station has 17 volunteer firefighters and one Fire Commissioner. Two of the firefighters are trained as first responders. The station also has a dive rescue team with an additional 5 volunteer divers. Equipment housed at the Keshena Station includes one pumper/tanker unit, one pumper/unit, two tanker units with tank capacities of 1,000 gallons each, two mini-pumpers, one equipment van, one dive rescue airboat, and a jaws-of-life unit.

The types of calls for service to the Reservation that the Keshena Station provides include drowning, structural fire, search and rescue, and vehicular accidents. Calls for assistance to the casino average approximately one per month; average response time is approximately 5 to 7

minutes. The Keshena Station budget is \$45,000 annually, 90 percent of which is provided by the Town of Menominee (DuQuain, pers. comm., 2005).

Emergency medical services on the reservation and Menominee County are provided by Menominee Tribal Rescue, which operates through the Menominee Tribal Clinic. There is an ambulance station two miles from the Keshena site and response times to the existing casino and hotel range from 3 to 4 minutes (Grab, pers. comm., 2005). Staff on ambulances are trained at the EMT- Basic level. ThedaStar provides emergency air service when needed. The nearest hospital to the Menominee Casino in Keshena is the Shawano Medical Center, located at 309 N. Bartlette Street, Shawano, Wisconsin, approximately 5 miles to the south. The hospital is a 42-bed facility that provides emergency (ER) and community care (non-ER urgent care) to patients. The ER has an additional nine beds.